

Enter the Following New Claim:

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~~--50. The floor covering according to claim 32, wherein said elements are needle-felt-like elements--.~~

Remarks:

Reconsideration of the application is requested.

Claims 1 to 36 and 40 to 50 are now in the application.

Claims 32 to 36, 40 to 41, and 50 are subject to examination and claims 1 to 31 and 42 to 49 have been withdrawn from examination. Claims 32 and 36 have been amended. A marked-up version of the claims is attached hereto on a separate page. Claim 50 has been added. Claims 37 to 39 have been canceled to facilitate prosecution of the instant application.

In item 3 on page 2 of the above-identified Office action, claim 32 has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph. More specifically, the Examiner states that the term "finite" is not understood. This term has been removed from claim 32. Thus, the Section 112 rejection is now moot.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs.

In item 5 on page 3 of the above-identified Office action, claims 32 to 36 have been rejected as being fully anticipated by Tesch (U.S. 4,292,367) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found, for example, from original claim 10 and on page 7, lines 22 to 23, and page 8, lines 1 to 10, of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 32 calls for, *inter alia*, a floor covering, including:

a base layer formed of a non-woven; and

a visible, substantially non-repeating surface layer formed by a multiplicity of elements having different geometric shapes, at least some of the elements formed by dividing a feed material formed as a ribbon or a sheet, and the elements applied and needled at least to the base layer.

The significant difference between the invention of the instant application and Tesch is that Tesch exclusively uses

endless threads to form the visible surface layer. In contrast, claim 32 as amended provides that at least some of the elements forming the visible surface layer are formed by dividing a ribbon feed material or a sheet feed material. See page 7, line 22, to page 8, line 2, of the specification of the instant application. Nowhere does Tesch disclose or suggest these features.

Clearly, Tesch does not show a floor covering as recited in claim 32 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 32. Claim 32 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 32.

Applicants have added new claim 50 dependent upon claim 32. No new matter has been added.

Insofar as claims 37 to 41 are ultimately dependent upon claim 32, and due to the fact that claim 32 is believed to be allowable, these dependent claims are believed to be allowable as well. Thus, the rejection of claims 37 to 41 in item 8 on

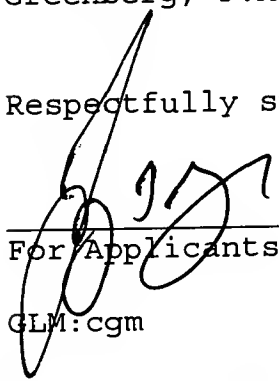
pages 3 to 4 of the final Office action under Section 103 is now moot.

In view of the foregoing, reconsideration and allowance of claims 32 to 36, 40, 41, and 50 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



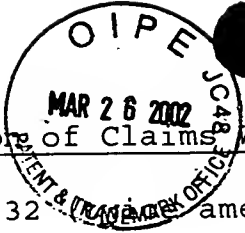
For Applicants

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Version of Claims With Markings to Show Changes Made:

Claim 32 (amended). A floor covering, comprising:

a base layer formed of a non-woven; and

a visible, substantially non-repeating surface layer formed by a multiplicity of [finite-length] elements having different geometric shapes, at least some of said elements formed [of at least one material selected from the group consisting of yarns, threads, yarn precursors, carded slivers, carded yarns, lifting yarns and needle-felt-like elements] by dividing a feed material formed as one of a ribbon and a sheet, and said elements applied and needled at least to said base layer.

Claim 36 (amended). The floor covering according to claim [32] 50, wherein said needle-felt-like elements have a basis weight between 200 and 1000 gr/m².

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